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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,136	02/26/2002	Kazuo Hiraguchi	Q66505	5389

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Washington, DC 20037-3213

EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,136

Applicant(s)

HIRAGUCHI ET AL.

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-32 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 3-7 and 10-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle (U.S. Patent No. 4,629,144) in view of Gelardi et al (U.S. Patent No. 4,986,491).

Schoettle discloses a recording media cartridge 20 comprising a case body having an upper half and a lower half, reels 11, 12, a reel presser spring 1, and a presser spring anchor portion (gap 8 in Fig. 2 and corresponding gap in Fig. 3) on the upper half. The presser spring anchor portion has a portion (a portion of window 5) implanted in the inner surface of the upper half and an overhanging portion (the portion of window 5 that overhangs the upper half of the case and lies next to gap 8). The reel

presser spring has U-shaped insertion anchor portions 2a, 2b that have support piece portions and open piece portions parallel to the respective support piece portions.

The support piece portions are supported by the inner surface of the upper half facing the overhanging portion of the presser spring anchor portion as recited in claim 1 since the U-shaped insertion anchor portions 2a, 2b are supported at least in part by the inner surface of the upper half of the cartridge.

The open piece portion is in elastic contact with the overhanging portion of the presser spring anchor portion as recited in claim 1 since the spring and the overhanging portion (of 5) are inherently elastic. In addition, the description at col. 3, lines 54-60 of Schoettle implies that the presser spring insertion anchor portions are biased against the overhanging portion since the spring remains attached to it during handling before assembly with case half 4.

Schoettle does not disclose that the presser spring can be detached from the cartridge without damaging the case body, presser spring, and components of the cartridge. Schoettle does not disclose guides or convex portions located on both sides of the presser spring anchor portion on the inner surface of the upper half (note claim 27).

Gelardi et al teaches making a presser spring of a recording media cartridge detachably mounted on an upper half of the cartridge so that it can be collected for reuse (recycling) without damaging other components (see column 6, lines 30-34). Gelardi et al teaches providing convex portions 30, 32, 34, 36 (Figs. 1 and 2), 21, 23,

25, 27 (Fig. 6), 40, 41, 42, 43 (Fig. 7), 68, 69 (Figs. 10-12) on the inner surface of the cartridge case to hold portions of the presser spring in place in the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spring of Schoettle removable without damaging the spring, case, or cartridge components as taught by Gelardi et al.

With regard to claim 27, it would have been obvious to provide the cartridge of Schoettle with convex portions or guides on both sides of presser spring anchor portion as taught by Gelardi et al to assist in securing the spring in the cartridge.

With regard to claim 28, note that the presser spring 1 of Schoettle has a convex portion at the end of the upper portion (as seen in Figs. 1-3) of 2a.

With regard to claims 29, 30, and 31, note that the end of the upper horizontal portion of 2a of the spring 1 of Schoettle is convex (e.g., as seen in Fig. 2). This end fits into a hole (between horizontal and vertical surfaces of 5) in the overhanging portion of 5.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle in view of Gelardi et al as applied to claim 9 above, and further in view of Ooishi et al (U.S. Patent No. 4,408,733).

Schoettle does not disclose a bent tip portion located on one end of the reel presser spring.

Ooishi et al teaches providing a reel presser spring 32 with a bent tip portion located on one end of the reel presser spring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reel presser spring of Schoettle with a bent tip portion located on one end of the reel presser spring as taught by Ooishi et al to provide a more downwardly directed biasing force on the tape reels.

### ***Response to Arguments***

Applicants' arguments filed 12/16/05 have been fully considered but they are not persuasive.

Applicants argue that the elastic tongue portion of the spring disclosed by Schoettle does not extend from the support piece portion which Applicants argue corresponds to the portion of 2a, 2b that lies between the housing 4 and the overhanging portion of window 5. However, this is not seen to be the case since the portion B (of the drawings marked up by Applicants) of the spring disclosed by Schoettle reads on the claimed support piece portion. This portion is supported by the inner surface of the upper half of the case facing the overhanging portion since this portion of the case provides some support for the spring. No direct contact between the inner surface and the support piece portion is claimed. The elastic tongue 15 extends from this support piece portion. Assuming, arguendo, that portion B does not read on the claimed support piece portion, portion A reads on the support piece portion and the tongue 15 still extends from the support piece portion since portion A is connect to portion B to which the tongue is directly connected.

Contrary to Applicants' arguments, the tongue 15 is inclined to the sides of the support piece portion and open piece portion whether they correspond to portions A or B.

Applicants further argue that the U-shaped anchor portion is not inserted into and anchored in the space defined between the inner surface of the case body and the overhanging portion since both the support piece portion and open piece portion of the U-shaped portion are not located between the inner surface and overhanging portion. However, the U-shaped portion is inserted between the inner surface of the case and the overhanging portion as can be seen in Figs. 2 and 3 of Schoettle. The claims do not require that all of the U-shaped portion be located in the claimed space between the inner surface and overhanging portion.

Applicants argue that presser spring disclosed by Schoettle does not have a convex portion on portion B (in Applicants' marked up drawings of Schoettle) of the presser spring as recited in claim 28. However, as discussed above, portion B reads on the claimed support piece portion of the spring. Portion A reads on the claimed open piece portion. The free end of portion A is convex as seen from the side (Figs. 2, 3) or from the top.

Applicants argue that Schoettle does not disclose an anchor hole in the presser spring anchor portion as recited in claim 29. However, the window 5 forms a hole (bounded by vertical and horizontal surfaces in Figs. 2 and 3) that is capable of receiving and does receive a convex portion of the open piece portion A of the spring. A hole is, also, formed by window 5 and case 4. In addition, there is a hole in a corner

of window 5 as shown Fig. 3. All of these holes receive a convex portion (end) of the open piece portion A of the spring.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
sjh  
2/27/06



**KATHY MATECKI  
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